

### **REMARKS**

This amendment is in response to the Final Official Action dated September 1, 2009. Claims 9 and 10 have been amended, no claims have been canceled, and no claims have been added; as such, claims 1-10 are now pending in this application. Claims 1 and 6-10 are independent claims. Reconsideration and allowance is requested in view of the following remarks. These amendments add no new matter.

#### **Allowable Subject Matter**

Applicant appreciates that claims 1-8 are allowed.

#### **Claim Objections**

Claims 9-10 are also objected to for allegedly lacking support in the specification for a "computer program product." Applicant has amended claims 9-10 to recite "computer program."

The preamble of claims 9 and 10 now recites:

*A computer program for causing a computer to perform a record control method of a record control apparatus having a buffer storing moving image data belonging to a chapter, said computer program stored on a computer readable medium and including program code for performing steps comprising:*

Support for these claimed features is found in Applicant's specification as filed. Paragraphs [0030] and [0065] of the specification as represented in U.S. Pub. No. 2006/0083489 clearly describes examples of a program that is stored on a recording medium executed by a processor to carry out the described functionality of the recorder controller and the encoder controller.

Indeed, the ROM stores a program executed by a processor, which is an example of a computer program stored on a computer readable medium that is executed to carry out a process.

Claims 9-10 are *Beauregard* claims involving a computer-readable medium containing a set of instructions that causes a computer to perform a process.

As such, Applicant requests withdrawal of this objection.

## **Conclusion**

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

## **Extensions of time**

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

## **Fees-general authorization**

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

Application No. 10/537,920  
Amendment dated October 7, 2009  
After Final Office Action of September 1, 2009

Docket No.: SON-3124

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: October 7, 2009

Respectfully submitted,

By 

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